

WORKSHEET

FIRST AMENDMENT - FREEDOM OF SPEECH

YOUR GROUP HAS BEEN ASSIGNED THE TOPIC OF FREEDOM OF SPEECH. TO ANSWER QUESTIONS 1-3, YOU WILL NEED TO DO SOME RESEARCH. SEE IN DEFENSE OF LIBERTY, CHAPTER 4 (STARTS ON PAGE 43) THE COBBLESTONE ISSUE OF OUR FIRST AMENDMENT FREEDOM OF SPEECH PAGES 1-21 OR CLASSROOM TEXTBOOKS OR ENCYCLOPEDIAS THAT DEAL WITH THE EARLY DAYS OF THE COLONIES AND CREATION OF THE BILL OF RIGHTS. INTERNET SOURCES WOULD ALSO BE HELPFUL, PARTICULARLY THE NATIONAL CONSTITUTION CENTER (INTERACTIVE CONSTITUTION) [HTTP://WWW.CONSTITUTIONCENTER.ORG/INDEX.ASP](http://www.constitutioncenter.org/index.asp) AND NEWSEUM [HTTP://WWW.NEWSEUM.ORG/EDUCATIONCENTER/TEACHINGTOOLS/INDEX.HTM](http://www.newseum.org/educationcenter/teachingtools/index.htm) WRITE YOUR ANSWERS ON THE BACK OF THE PAGE OR ATTACH A SHEET OF PAPER.

1. WHAT DOES "FREEDOM OF SPEECH" MEAN? WHY WAS IT IMPORTANT TO THE COLONISTS?

2. EXPLAIN HOW THE ALIEN AND SEDITION ACTS (1798) PLACED LIMITS ON FREEDOM OF SPEECH.

3. IN WHAT KINDS OF SITUATIONS DO YOU THINK IT WOULD BE ACCEPTABLE TO LIMIT FREEDOM OF SPEECH? GIVE EXAMPLES.

4. READ THE FOLLOWING SUMMARY OF THE SUPREME COURT CASE *TINKER V. DES MOINES INDEPENDENT COMMUNITY SCHOOL DISTRICT* 393 U.S. 503 (1969)

DEC. 16, 1965, MARY BETH TINKER, 13, FROM DES MOINES, IOWA WORE A BLACK ARMBAND WITH A PEACE SYMBOL TO CLASS AT WARREN HARDING JR. HIGH. IT WAS A PROTEST FOR THOSE WHO DIED IN VIETNAM AND TO SUPPORT A TRUCE. IT HAD BEEN ANNOUNCED BY THE SCHOOL TWO DAYS EARLIER THAT ANY STUDENT WHO WORE AN ARM BAND TO SCHOOL AND REFUSED TO REMOVE IT WOULD BE SUSPENDED. BOTH MARY BETH AND ANOTHER STUDENT, CHRISTOPHER ECKHARDT, WERE SUSPENDED. MARY BETH'S BROTHER JOHN WAS ALSO SUSPENDED THE FOLLOW DAY FOR WEARING ONE.

AFTER THE WINTER BREAK, THESE STUDENTS DIDN'T WEAR THE ARM BANDS, BUT CHALLENGED THE RULING THROUGH THEIR FATHERS. THE SUIT FILED IN U.S. DISTRICT COURT CLAIMED THAT CHILDREN HAVE THE SAME CONSTITUTIONAL RIGHTS TO FREE SPEECH INSIDE SCHOOL AS THEY DO OUTSIDE OF IT. THE U. S. DISTRICT COURT DISAGREED. THEY ACKNOWLEDGED THAT ARM BANDS WERE A FORM OF SPEECH BUT DECIDED THAT IT WAS THE 'DISCIPLINED ATMOSPHERE OF THE CLASSROOM' NEEDED TO BE PROTECTED OVER THE STUDENT'S FREE SPEECH RIGHTS. THE STUDENTS APPEALED BUT THE U.S. COURT OF APPEALS. THE JUSTICES OF THIS COURT WERE NOT IN AGREEMENT OVER THE CASE, SO THE RULING AGAINST THE STUDENTS REMAINED IN EFFECT. THE NEXT STEP WAS THE SUPREME COURT, WHO ISSUED ITS RULING ON FEB. 24, 1969.

HOW WOULD YOU DECIDE THIS CASE?